

May 25 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0176

JEFFERY WEER,

Plaintiff and Appellant,

v.

STATE OF MONTANA,

Defendant and Appellee.

FILED

MAY 25 2010

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

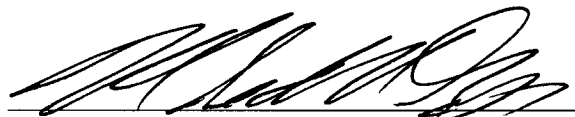
Jeffery Weer has filed a motion asking this Court to restrain the Montana Department of Motor Vehicles from continuing the suspension of his driver's license pending this appeal, under § 61-8-403(3), MCA, and M. R. App. P. 22(2). Weer filed a similar motion with the Fourth Judicial District Court, which denied his request.

M. R. App. P. 22(2) allows this Court to grant, modify, or deny a motion for relief from a district court order pending appeal, in the interests of justice. Here, Weer has not established that the interests of justice require that he be granted relief from the District Court's order.

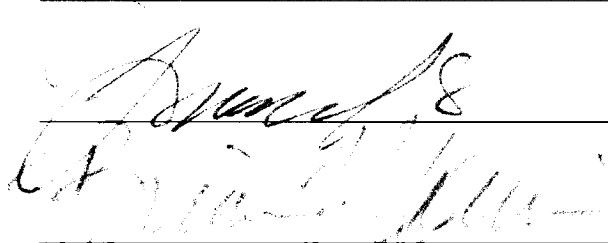
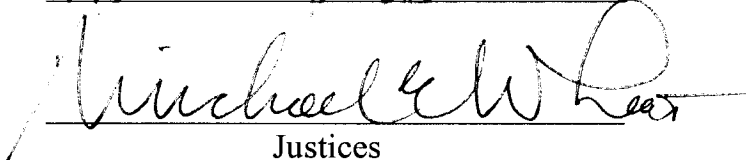
THEREFORE IT IS ORDERED that Weer's motion for relief pending appeal is DENIED.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 25 day of May, 2010.



Chief Justice

Justices